

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|--------------------------------|---|---------------------------------|
| ROSALIND MITCHELL, |) | |
| |) | |
| Plaintiff, |) | Case No. 4:20-cv-117-JAR |
| |) | |
| v. |) | |
| |) | |
| CAJUN OPERATING COMPANY |) | |
| D/B/A CHURCH’S CHICKEN, |) | |
| |) | JURY TRIAL DEMANDED |
| Defendant. |) | |

CAJUN’S PROPOSED STIPULATION OF UNCONTESTED FACTS

COMES NOW, Defendant Cajun Operating Company, by and through the undersigned counsel, and for its proposed Stipulation of Uncontested Facts, states as follows:

On or about July 29, 2018, Plaintiff Rosalind Mitchell and her mother went to Cajun Operating Company’s restaurant, Church’s Chicken, located at 920 N. Grand Avenue for purposes of ordering food. Shortly after exiting her vehicle, Plaintiff claims to have encountered a pothole in the parking lot. Plaintiff claims her foot became stuck in the pothole, that she fell, and that she sustained injury as a result. Plaintiff claims Cajun was negligent in the inspection and maintenance of the parking lot. Defendant admits that it owned the parking lot, but denies that it was in any way negligent or caused Plaintiff’s alleged fall on July 29, 2018.¹

WHEREFORE, Defendant Cajun Operating Company respectfully submits the foregoing Proposed Stipulation of Uncontested Facts and request any further and such relief that this Court deems just and appropriate in the circumstances.

¹ Defendant approves of Plaintiff’s “Case Statement” in Doc. 31 apart from the phrase “requiring surgery”.

/s/ Stephen L. Beimdiek

Stephen L. Beimdiek #32745

Jeffrey C. Klaus #67017

LASHLY & BAER, P.C.

714 Locust Street

St. Louis, Missouri 63101

(314) 621-2939 – Telephone

(314) 621-6844 – Fax

sbeim@lashlybaer.com

jklaus@lashlybaer.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed and served via the Court's electronic filing system on March 21, 2022.

/s/ Stephen L. Beimdiek